

**WRIGHT COUNTY BOARD OF ADJUSTMENT**

**Meeting of: January 8, 2021**

**MINUTES – (Informational)**

The Wright County Board of Adjustment met January 8, 2021 in the County Commissioner’s Board Room at the Wright County Government Center, Buffalo, Minnesota. Board members present were: John Jones, III, Dan Mol, Paul Aarestad, Dan Vick & Bob Neumann. Barry Rhineberger, Planner, representing the Planning & Zoning Office; Greg Kryzer, Assistant County Attorney, legal counsel.

**ORGANIZATIONAL ITEMS:**

First meeting of the year, Rhineberger, acting as Chairman, pro-tem, called the meeting at 8:30 a.m. and called for nominations for a Chair. Vick nominated Jones as Chair. Rhineberger called three times for further nominations, hearing none, a roll call was called and unanimous ballot cast for Jones.

Jones assumed the Chair and called for nominations for a Vice-Chair. Mol nominated Aarestad as Vice-Chair, hearing no further nominations, a roll call vote was called and unanimous ballot cast for Aarestad.

Jones called for action to adopt a Meeting calendar for 2021. On a motion by Aarestad, seconded by Mol, all voted to adopt the meeting dates at 8:30 a.m. on suggested calendar.

**ACTION ON MINUTES FOR THE DECEMBER 12, 2020 MEETING**

On a motion by Aarestad, seconded by Vick, all voted to approve the minutes for the December 12, 2020 meeting as printed.

1. **RALPH J. GOELZ** – New Item

LOCATION: XXX County Road 8 NW –Lot 1, Block 1, Section 31, Township 121, Range 26, Wright County, Minnesota. (Maple Lake Twp.) Tax #210-148-002010

Requests an “after-the-fact” variance to allow an over-sized 1,680 sq. ft. pole building, 7.7 ft. from the east side property line. Building exceeds 1,400 sq. ft. allowed for a single structure in the R-1 zone according to Section 155.026, 155.049(C)(b) & (F)(3) Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Ralph Goelz & Dean Hoglund, applicant’s agent

- A. Rhineberger displayed the location map to show the platted lot. The applicant created the 2002 subdivision under an R-1 zone. The variance is to allow a 1,680 sq. ft. storage shed. The accessory structures in that zone limit one structure to 1,400 sq. ft. A total accessory allowed in a combination of accessory uses is 2,400 sq. ft. In 2003 a building permit and plans were submitted for a 33’ x 42’ shed; but was built as 40’ x 42’ and 7.7’ from a property line at the southeast corner and 10.8’ from that line at the other corner. He noted the plat included a platted road that has not been constructed since lots have not been completed. Because of this, a question Staff had is whether it is a side or rear lot line setback that should be applied. Because of the situation of the incomplete plat, they called it a side, a rear would require a 15’ setback. The Township has approved. Neighbor, Hennen, is not taking a position on the variance, but wrote a lengthy letter and the Board received a copy of his comments.
- B. Jones questioned the reason for over building from what was permitted. Goelz – understood after talking to the County they could build part of the building in December and the second part in the next year. He read a prepared statement that he noted the Town Board approves. He admitted he was wrong and takes responsibility. Staking of the building was done by Morton Builders. He is applying for the variances, as he is not a builder or a surveyor, he did not check the placement and size. He takes full responsibility for the oversized. He is asking to get a variance to leave the building as is.
- C. Vick – as a contractor he understands how things happen; although he does not condone it. After reading the letter from the neighbor and fact it has gone unnoticed, he would not ask for removal. He would not want to give a blanket approval to anyone who does this; but need to look at each case.

- D. Aarestad – appreciates that the applicant is candid and the fact he is taking responsibility means a lot. This is a problem and the point made is what do they do when the next person does this if the Board did nothing. Asked if the applicant can remove some of it. Asked about what is showing on the map, the irregular area to the side? Rhineberger – this is a rectangular building what is showing up is concrete. Aarestad – would also hate to make him take part of it down, the applicant was candid and took full responsibility. Goelz – noted he got a bid from Morton that makes that very expansive.
- E. Mol – he has a different opinion. He noted the permit was applied for and plans were specific on size. There were no inspections called for. He is struggling with this one, he does not want to see them have to tear it down, but there were no inspections when this could have been caught. This is an R-1 plat that is still undeveloped, this will set a precedent and what will they say to the next one.
- F. Goelz – he has a buyer that is okay with this. Rhineberger – explained the difficulty. Staff cannot catch these and difficult to determine size by driving by. He agreed this one has been missed for 17 years, but difficult to catch it. Mol – there are requirements for a footing, trusses and a final and the questions would have been asked at that point. Questioned if the inspectors look at the prints? Rhineberger – the inspectors bring the plans to the job site. Mol – indicated if the owner said he had an inspector out, he would consider that a hardship. Vick – noted this has been 17 years. He noted there is trust between an inspector and building contractor and they may not always get a tape measure out. He asked if they could add some land to the lot to meet the Ordinance. Rhineberger – this is a plat, lot is only a little over an acre. The land to be added is owned by someone else, not to say it could not be done, it would have to go back through the Planning Commission. Vick – asked about the house to the south? Questioned if the shed can be built before the house? Rhineberger – Wright County does not prohibit a storage building before the house is built. The house to the south is the neighbor that responded.
- G. Neumann – asked was the property surveyed before the building was put up? Rhineberger – as part of the plat, there is survey work done and preliminary plat to each Department before the final plat approved. He did not know if an individual lot survey was provided for this lot when the shed was built. The applicant provided a survey for this application. Goelz – pointed out that it is only one corner that is 7.7'. The survey was displayed on the screen. Goelz stated after the shed was up, someone from the County was out and was measuring things. Mol – that was likely the County Assessor. Neumann – questioned why they put the building right to the minimum setback? Goelz – not sure. Rhineberger – noted a contractor could use a transit, setting corners that looks like it is aligned straight north and south. But using survey equipment he could understand they may have assumed the line was straight. Rhineberger stated he called the surveyor to confirm the measurements to the line. Neumann – the size was clear on the plans and permit, and somewhere it changed. It is too big. Hoglund – noted this lot is fairly good size and would not have as much impact, there is good distance between lots, the County park to the north - Goelz – about four car lengths along the building is meeting setback.
- H. Jones –the Board often hears these situations where people don't do what they are supposed to. The Office can be contacted about these matters to avoid problems. Aarestad – clarified his position, understands the concern for precedence. The building has been there for seventeen years unnoticed. This is just one building and property will be sold shortly. Felt that makes this situation different for future requests. Mol – this is a wide-open lot, the question they were reminded of is, would they have approved a variance if it were before them prior to construction. Rhineberger this one does not exceed the total accessory structures allowed and might be a consideration from other requests. If this is approved, they can come back for another 700 sq. ft. He reviewed a recent consideration of limiting one structure in the overall structure size allowed. In R-2 it was lifted and although it was discussed for R-1, the one building limit remained. He questioned if the Board had a request to build one building for the total size allowed, would that be considered. The Board has had a few of those requests before them. Mol asked if the Board can put a restriction on allowing any future storage buildings? Rhineberger – they could, but anything over the 2,400 sq. ft. would have to come back anyway. Mol – his thought was to allow an oversized, but only this one.

Vick noted when they build the new house they can build a larger attached garage for more storage. He would not approve it now, but something done 17 years ago, he looks at differently. Goelz stated he paid the taxes for 17 years. Jones that is an entirely different office.

- I. Jones asked if the buyer is aware of this? Rhineberger - it was discovered when the buyer called in about the property, he noted the structure on the air photo looked different than the permit. The reason this is before the Board is that the Office would not issue any future permits to this property until this is cleared up.
- J. Mol – noted if they take off the 280 sq. ft. and they address the setback, this would make the building compliant and the new owner can do what he wants. The reduction would be one truss removed. Rhineberger there is 7’8” between the poles. The Board could give them the option of reducing the building size, or a restriction is placed they cannot have another building, noting in the future an owner could come back. This allows the property to transfer. Hogleund and Goelz indicated they would agree to that condition. Goelz stated he was quoted \$20,000 to reduce the size. Rhineberger asked counsel if the condition is reasonable? Kryzer – responded, yes.
- K. Mol further summarized what the condition means. Noted the future owner would still have a shed for storage of garden equipment. This would address the “after-the-fact” issue. Vick – agreed with the suggestion.
- L. Aarestad moved to grant an “after-the-fact” variance to allow an over-sized 1,680 sq. ft. pole building, 7.7 ft. from the east side property line. Building exceeds 1,400 sq. ft. allowed for a single structure in the R-1 zone according to Section 155.026, 155.049(C)(b) & (F)(3) Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances. Condition: No other accessory structures can be built, unless the existing storage structure is reduced to meet the size limit for one accessory building. Vick seconded the motion.

*DISCUSSION: Hogleund asked if they reduced the building down to 1,400 sq. ft., could they build another 1,000 sq. ft.? Rhineberger – stated yes. Hogleund asked if he will get an occupancy approval? He was referred to discuss that with the Building Official.*

VOTE: CARRIED UNANIMOUSLY

2. **MARK R. NYSTEDT** – New Item

LOCATION: 7105 Rosewood Ave. NW – Part of the SW ¼ of SW ¼ Section 30, Township 121, Range 28, Wright County, Minnesota. (Southside Twp.) Tax #217-000-303315 & -303309

Requests construction of a 36' x 48' pole building on backlot that brings the total accessory structures to 4,624 sq. ft. on a lot zoned AG General Agriculture (backlot in common ownership with R-1 zoned lake lot) according to Section 155.003(B)(1), 155.026, 155.048 & 155.049 & 155.057, Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Brenda & Mark Nystedt; Troy Loken, attending remotely

- A. Rhineberger reviewed the property location made up of two parcels. The lakeshore lot zoned R-1 is 18,000 +- sq. ft. and in 1995 the 3.14-acre backlot was added. A request for another 36' x 48' storage building would bring total accessory structures over the maximum allowed by about 1,400 sq. ft. A total of 3,200 sq. ft. is allowed on the backlot and because this portion of the property is zoned AG, there is no limit on a single structure size as long as they don't exceed the maximum. An air photo and site plans were displayed to show what exists and the approximate location of the new building. The existing 40' x 60' has a lean-to on one side, a hoop building, and another smaller structure make up the total accessory buildings. The building floor plan and side detail were provided. Town Board approves because it is under the 25% impervious lot coverage limit. Written responses were summarized Loken & Pierce have objections and reasons. See responses on file. Kryzer noted Pierce is now on the call.
- B. One neighbor on the lake does not have any comments who was observing virtually. Dustin & Jolynn Pierce reiterated their written comments. Three factors, it would alter character of neighborhood. The applicant already has a large shed and adding another would look like an industrial area instead of a residential shoreland community. Asked the Board take that into consideration.
- C. B. Nystedt – felt the building should not impact neighbors because it is on the backlot; does not obstruct anyone's view, does not require removal of any vegetation. Puts the construction equipment under cover.
- D. M. Nystedt responded to a question on a business and explained he was half owner of a business and contractor for many area waste water treatments plants. At one time this was their staging property. Much of what is showing on the air photo has been auctioned off. He has a smaller dozer, tractor, skid loader along with their boat and recreational items he wants to store in the new building. Mol – do you have a contractor's yard permit for this equipment? M. Nystedt stated his partner is now 70-years old and retired; they are no longer running the business, wants to store these items inside until sold. B. Nystedt – the existing large building was a horse barn with stalls and not useable for storage of their items. Mol – any livestock or horses here now? B. Nystedt,- responded no.
- E. Aarestad – the amount of overage is excessive. The Board can consider small amounts over if they can find a hardship. Based on the plans submitted, size requested and lack of practical difficulty, he cannot support this.
- F. Mol – his concerns were noted, is hearing there is no livestock and no Conditional Use Permit for the equipment. This is a backlot on a lake and not created for this type of use. Primarily to be used for sewers and some storage. From what he is seeing it is hard for him to support a variance to exceed it by this much.
- G. M. Nystedt – chose this location that is 10' lower than the existing shed, did not want to stick it up near the road in this neighborhood, is not visible from the road. Mol – this is one location; but the Ordinance applies to the entire County. They try to treat everyone the same. The existing building can be remodeled for a different use. If the shed is not used for horses, they can modify it. He cannot find a hardship, a reason for giving a variance or how it would benefit the area.

- H. Neumann – noted rules are in place for everyone and there for a reason. The Board is not singling the applicant out. Although, new to the Board, he understands just because someone wants something does not mean they should give a variance. He agrees with the other Board members comments.
- I. M. Nystedt – some of the items referenced by the neighbor are items that belong to the adjoining neighbors and is not their items. B. Nystedt – they probably have the nicest place down here and they are trying to improve their property by getting their things under cover. Aarestad – those concerns are a separate issue and could be raised at a Town Board meeting. This Board can only consider what is before them for overage.
- J. Vick – unless the applicant is willing to remove some of the buildings and or come back with something smaller, he could not support the request. This is about one and half times the size allowed by Ordinance and the Board tries to be consistent with others. Suggested a 24' x 36' if it benefits cleaning up the property? M. Nystedt – indicated that it would not help him to go smaller. Vick – indicated he cannot find a hardship.
- K. Rhineberger summarized the Board consensus was not favorable. The options for the applicant were summarized. Vick asked if the applicant would like some time to think about revising his proposal and come back? Nystedt indicated he would not and asked the matter be dismissed.
- L. Mol moved to dismiss the request at the applicant's request. Aarestad seconded the motion.

VOTE: CARRIED UNANIMOUSLY

3. **STEVEN C. ALBERG** – New Item

LOCATION: 8518 Montgomery Ave. NW – Part of Gov't Lot 1, Section 24, Township 121, Range 28, Wright County, MN. (Pleasant Lake - Southside Twp.) Tax #217-000-241100 & -241401

Requests a variance of Section 155.026, 155.048(G)(4)(c) & 155.057, Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow the expansion of the existing “entitlement” lot with an existing house that will not have the minimum 300’ wide along the lakeshore.

Present: Steve Alberg & Greg Alberg

- A. Rhineberger – displayed the location map to show the 33.79-acre property location and proposed division to attach more land, about 2. acres, to an existing 8.2 acre “entitlement” division. Lot “3” on a concept plan for a future request, is what they are looking to add. The land added puts the total lot over ten acres allowed. Another consideration that is before them is the lot would have less than 300’ width on the shore; a requirement for this size lot. He noted this is the entire shoreline in the 33 acres. The division does not exceed the tillable land allowed. Town Board approval was submitted. He noted there is no one on the meeting virtually for this item.
- B. Mol – did not see a concern with the adjustment if they can combine parcels. S. Alberg – that is the intent, this will give some land that is important to their sister and complete a Trust Agreement. Mol –questioned if they could straighten out the line north of the wetland out to the road? G. Alberg – agreed, they have been working on a plan for years. The angle on the site plan was an effort to save road frontage to meet rules for road frontage for subdividing the balance. Mol – stated he can go along with the adjustment if the tax parcels are combined. S. Alberg – using the air photo noted where they could move the north line. Mol – this shifts one potential lot slightly. G. Alberg did not think their sister would have any objection.
- C. Neumann – agreed there are limited uses for the property with the wetland and wooded area and has no problem with it. Vick concurred this makes sense and Aarestad felt it is reasonable.
- D. Aarestad moved to grant a variance of Section 155.026, 155.048(G)(4)(c) & 155.057, Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow the expansion of the existing “entitlement” lot with an existing house that will not have the minimum 300’ wide along the lakeshore according to the Concept Plan. The 8.2 acres with the additional land be combined together under one tax parcel, subject to survey and an Administrative Order to be recorded and combination be completed by December 31, 2022, unless extended by the Zoning Administrator. Mol seconded the motion.

VOTE: CARRIED UNANIMOUSLY

4. **RALPH & JILL ERICKSON** – New Item

LOCATION: XXX Pitman Avenue NW – Part of Gov't Lot 1, and part of NE ¼ of NE ¼ Section 4, Township 120, Range 28, Wright County, Minnesota. (W. Lake Sylvia – French Lake Twp.) Tax #209-000-041201, -041202 & -041200 Property owners: Hall & Erickson/Perry

Requests a variance of Section 155.026(E)(2), 155.048(F)(4)(c) & 155.057 of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow a residential “entitlement” division that will leave less than 300 ft. on West Lake Sylvia. Also, a lot line adjust to add approximately .5 acre from the Erickson property to the Hall property.

Present: Ralph Erickson & Steve Bruggeman, his agent

- A. Rhineberger – reviewed the location of the property and displayed an air photo of the 52 acres that has an “entitlement” which they want to divide off on a piece with the lakeshore. The remainder parcel will not have 300’ of lake frontage. The new lot, at an acre and half, is only required to have 150’. Erickson stated they propose 200’. The other fact is they will need to build up the road, in this case it will not take a major improvement, the soils are sandy and there is a good base. They will have to meet the Town Board’s requirements. The Town Board response approves and reflects that their requirements will have to be met before they take over the road. The second part of the request is a lot line adjustment to add land to the Hall property. Jones asked about the bluff? Rhineberger – any structure must meet the setbacks. He did a mock location and found an area that meets the conditions. Also, his reference on the restrictions of clear cutting was to inform them of the restriction. There is room to meet all the setbacks and build a good size home. Noted no public is attending remotely.
- B. Bruggeman stated they have supporting documents for the division. A smaller plan is available for a close-up look.
- C. Neumann –felt because many properties on Lake Sylvia don’t have the minimum of 300’; and as long as they maintain the bluff setback, can get a building and sewer in there, he is in agreement.
- D. Vick concurs.
- E. Aarestad questioned the road improvements? Who would make these improvements and what assurances are there that it will get done. Erickson – they have talked with an Attorney from Cokato and he has given them information. Aarestad this can be a very expensive project, are the neighbors brought into the discussion? He is concerned it might not happen. Rhineberger – that can be a condition and the Board could require that the land cannot transfer, and they will not get a permit until the Town Board accepts the road. Erickson – noted the road and a hammer head to serve and maintain it. Aarestad – it appears there is another driveway that cuts through the property for access. Bruggeman – stated that owner will gain access off the hammer head and discontinue the existing drive approach. Rhineberger noted the neighbor has inquired about this. Erickson – the additional land, lot line adjustment, will be given to this neighbor. He had concerns about having enough room to make the turn and this will give him some depth.
- F. Mol is satisfied with the explanation as it sounds like they have taken care of this with the Township.
- G. Vick moved to approve a variance of Section 155.026(E)(2), 155.048(F)(4)(c) & 155.057 of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow a residential “entitlement” division that will leave less than 300 ft. on West Lake Sylvia. Also, a lot line adjustment to add approximately .5 acre from the Erickson property to the Hall property. Conditions: Road extension is built to the Township standards and accepted for maintenance prior to the division; and subdivision is subject to survey and a Deed Restriction for the “entitlement” division and an Administrative Order or Auditor’s Request to Combine Tax Parcels signed by Hall. Aarestad seconded the motion.

VOTE: CARRIED UNANIMOUSLY

5. **TIM McGUIRE** – New Item

LOCATION: 1872 Jansen Avenue SE - Part of S ½ of SE ¼ lying in Wright County, Section 9, Township 119, Range 24, Wright County, MN. (Crow River-Rockford Twp.) Tax #215-000-094400 & -094200  
Property owner: Paradigm Management Services LLC

Requests a variance of Section 155.026, 155.048(F)(4)(c) & 155.057 of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow the separation of the 8.285 acres with existing house lying between the County road and river from approximately 32 acres lying west of the road. The remainder of 215-000-094400 with 215-000-094200 will be combined as one “restricted” lot of record.

Present: Tim McGuire

- A. Rhineberger reviewed the location of the 32-acre property, zoned AG. Recently, the property was zoned from R-2a back to AG. In the past the entire property was rezoned to make a division. The request is consideration to split off the riverside portion leaving the remainder with less than 300’ wide on a public road that is required. The owner could not make a subdivision under the R-2a zone because it did not meet standards. The reason for zoning it back to AG was so the Board of Adjustment could consider the division that leaves the balance without the 300’ wide on the road. The air photo shows the house parcel location and acreage that includes a second parcel (triangular portion) west of the road that is landlocked. Everything west of road is considered one.
- B. McGuire – purchased the property a couple years ago, received a variance to build the garage and made improvements to the property. Want to separate that portion of the property so they can have a separate title for the residence. They plan to combine the triangular portion with the balance for one tax parcel.
- C. Vick asked if the triangular parcel gives the property the frontage that is needed? Rhineberger – no, for zoning purposes it has to stay together. It is preferred that the two parcels are combined if possible. Vick he agrees with the concept.
- D. Aarestad – questioned access, his concern is this stretch along Jansen is very steep. It looks like there is three separate access points, which one would be used. This is a dangerous stretch of road. McGuire – explained what he has reviewed with his surveyor, Otto, is a future development road that he would access and loop back out. He noted where the neighbor’s driveway is, he has ownership to the public road.
- E. Mol – questioned access because if someone else has property between that could be an issue. Rhineberger – if the owner ever decided to develop, it would require them to go back to the Planning Commission in the future. McGuire outline a potential road, using Ihrig Avenue that abuts and come down.
- F. Rhineberger – any new construction on the river side would have to come back to the Board of Adjustment. Area between the river and county road is tight and setbacks cannot be met.
- G. Aarestad moved to grant a variance of Section 155.026, 155.048(F)(4)(c) & 155.057 of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances to allow the separation of the 8.285 acres with existing house lying between the County road and river from approximately 32 acres lying west of the road. The remainder of Tax # 215-000-094400 with Tax # 215-000-094200 will be combined as one “restricted” lot of record. Subject to survey and a Deed Restriction to be completed.  
Mol seconded the motion.

VOTE: CARRIED UNANIMOUSLY

6. **JAMES S. NELSON** – New Item

LOCATION: 15403 US Hwy. 12 SW - E 13 acres of SE ¼ of NW ¼ of NW ¼ of NE ¼ & part of SW ¼ of NE ¼, Part of SE ¼ of NE ¼ of NW ¼ Section 33, Township 119, Range 28, Wright County, Minnesota. (Cokato Twp.) 205-000-331200, - 332100, -331204 & -332101  
Property owner: Faribault Foods Inc.

Requests a lot line adjustment to adjust the property line and add land from Tax #205-000-331200 to 205-000-332101 and combine 205-000-332100 & 205-000-332101 with 205-000-331204 to expand and combine the parcels with 12.7 acres to the east as regulated in Section 155.026(E)(2), 155.048 of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Jim Nelson, representing Faribault Properties with Mark Lampi, agent

- A. Rhineberger outlined the 224 acres owned by Faribault Foods made up of seven different tax parcels. The site plan showing the proposed lot line adjustment outlined in green shows the consolidation of part of one parcel with the others along the north end. The property outlined in blue would become the second parcel. The adjustments will leave both properties with proper road frontage. No one is in attendance virtually, Town Board approves.
- B. Discussion on the total number of “entitlements”. Rhineberger stated he does not have any indication where the owner is assigning those. There are two and the existing business uses one of them. The applicant and Board should address it now.
- C. Lampi explained the reason is to get the buildings all on one parcel and the remainder would be ag land.
- D. Aarestad – no objection to the proposal, wants to make sure they are two combined tax parcels. The record should be clear on “entitlements” for the future.
- E. Mol agrees and felt they needed to be combined the way the land lies. There are about 80 acres in there that is landlocked and want to be sure that does not get separated.
- F. Nelson explained they are selling the property. Noted access is also through the City street to the east. Mol – the proposed Parcel 2 is the concern.
- G. Neumann agreed the proposal seems reasonable.
- H. Vick - the MN DOT highway requirements should be followed. Rhineberger – noted that information relays to the last item on the agenda. This property is not on the highway. Vick has no objection.
- I. Rhineberger confirmed there are only two “entitlements” left; one is used by the existing Conditional Use Permit. Nelson stated they are requesting one would go with each parcel.
- J. Vick moved to grant a lot line adjustment according to Exhibit “B” as provided by the applicant as requested. Parcel 1 includes Tax Parcels 205-000-332100, 205-000-33201, 205-000-331204 & part of 205-000-331200, containing approximately 46 acres and has one “entitlement”. Parcel 2 will include the following tax parcels: Remainder of 205-000-331200; 205-000-332400, 205-000-332300 & 205-000-333100 and has one “entitlement” as regulated in Section 155.026(E)(2), 155.048 of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances. Aarestad seconded the motion.

VOTE: CARRIED UNANIMOUSLY

7. **BRYAN ANDERSON** – New Item

LOCATION: 3966 State Hwy. 55 NW & Several Owners along Donnelly Drive NW – Part of Gov't Lot 6, & Lots 6-10, 15, 16, 19, 21, 23, 24, 27, 30-32, & 35, Maple Crest, Section 4, Township 120, Range 26, Wright County, Minnesota. (Maple Lake - Maple Lake Twp.) 210-000-043300 & Tax Parcels related to platted lots Property owners: Applicant, Beck, Gerard, Peterson, Schramel, Burau, Glynn, Tangen, Abrams, Spinosa, Erickson, Kirkpatrick, Hermanson, Peter, Lemieux, Feilen

Requests a lot line adjustments to allow backlots out of the Beck property to serve existing small lakeshore lots that are to be owned in common with the lakeshore lots across the platted road as regulated in Section 155.026(E)(2), 155.048, 155.049 & 155.057 of Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances

Present: Bryan Anderson, participating remotely

- A. Rhineberger – reviewed the property in Maple Lake Township. The Board recently heard a request for a single backlot for a lakeshore lot in Maple Crest Addition. That lot is not shown, but after the hearing, several owners joined up and made this application. These owners were given a written summary of intent to purchase the backlots and the standard conditions that they signed. He noted these strings of backlots are common and Staff and the County Attorney have discussed how to process these. It was decided the best process is to require a plat for better records and suggest the Board require that. Town Board approves. A concept plan shows the division lines and how they relate to the shoreland lots. The two different plans provide different information. There are 15 backlots and 14 have submitted intent to purchase. If one of the backlots are not picked up, one can be picked up by an adjoining owner. These are fairly small backlots with a large wetland complex behind; but provides room for sewer and some may be able to get a small storage shed. The lines are not straight because the plat is very old, a State Highway came through later and lines have shifted over time. The process was explained, suggested the Board can give concept approval and later the mylar of the plat would come back and final approval would be action to approve the plat and signature. The applicant has provided soil borings on every other lot to give an example of what is out here. The soils allow septic systems. Some may be different than Type I, don't know if they will all accommodate a full treatment area, but shows the soils make it possible. A list of the conditions that would be attached were provided to the Board.
- B. Anderson – all the owners are aware these are primarily for sewer, if anything else is built on, they must prove the septic first. He feels very few would have room to build anything.
- C. Kryzer some of the lots look smaller, one is only 35'. Questioned whether anything could fit on the one at the end, a triangular piece or would variances be needed. Rhineberger – there may not be room for much, but it could provide parking off the street, garden area, etc. He would not say that it is non-useable. Agreed the one on the end is especially difficult; but what would they do with that corner. Anderson – the revised concept shows that one bigger. Kryzer wanted to point out that someone may want to force something large and want a variance. Anderson stated it was made very clear to everyone that nothing can be put back there, except on one or two of the lots. Rhineberger – the history of backlots approved has been good. There is documentation and owners are aware of the restrictions. The buyers sign a form acknowledging the conditions. Kryzer the purpose of bringing it up is to get it on the record.
- D. Aarestad – recognizes some of the lots are very limited, but overall this serves the larger community. Agrees it is a good idea.

- E. Vick – do these have to match the property lines lakeside? Could they modify some of the lines to make the small ones larger. Rhineberger –that is at the discretion of the Board. The subdivision regulations do not allow for these. Many years ago, the value was recognized in shoreland areas. The conditions he has provided are for the Board’s consideration and represents what they applied to other strings of platted backlots. The way they set the lines is up to the Board. This is suggested as a general guide to keep it simple. Anderson – the lines for Lot 6 was moved to give Lot 5 more. Vick – the smaller existing lots may need more room. Anderson – some have holding tanks. Vick supports the backlots.
- F. Mol – if they are platted, Lot 6 could be as large as possible as long as it touches the other. The other bigger lots in back might be able to get a larger shed. The adjustments were discussed, Mol suggested between 2 & 3 may not change, but 5, 6 & 7 shifted might open up more for 8. Rhineberger – the Board should act on this general concept. If the applicant wants to make minor modifications and if the Board is comfortable with his review; he would not ask that they come back. Vick – pointed out another shift that might help. Rhineberger - the ones on the west side have higher ground. The wetland impacts some of these and is not useable area. He could see Lot 2, adjusting 5-10’ or the angle of some of the lines. Vick what is the setback? Rhineberger – 10’. Mol these owners will want to put something back there. Does not want these owners coming back for variances. The lots are wide enough for a small garden shed.
- G. Kryzer asked if the preliminary plat should come back to the Board for review before final mylars are ordered? Rhineberger – felt the concept approval could be given; and unless something does not look like something the Board normally allows, he would prefer action on the concept, subject to conditions. Final approval would be at the time the mylars are submitted for signature. Kryzer – if the Board wants to see the revisions, he would suggest they continue the hearing to avoid a new application/hearing. If the Board is comfortable with the concept they can take that action. Anderson - he has already reviewed this with the owners and made the adjustments they wanted. He prefers they act on what is before them. Once they open it up, they might not get it to work.
- H. Mol moved to approve the concept plans and recommend the applicant get a final plat with mylars according to Exhibit “A” and subject to the attached conditions labeled Exhibit “B”. Aarestad seconded the motion.

VOTE: CARRIED UNANIMOUSLY

**DISCUSSION**

Rhineberger brought the Gerald Larson matter back before the Board. Property is located on Sullivan Lake. The Board action this past November approved a replacement home on conditions. The Board limited the height of the main level to 8' to keep the total height down. The architect determined to make this change it results in a change to the trusses and brings the height back up. They are asking if they can reduce the roof pitch and get a 9' wall height in the main level.

Vick noted they were concerned with the side wall and had not considered the roof pitch. He wants to keep the overall height of the structure down.

Mol – asked what they would be gaining? Questioned the overall height?

Rhineberger – explained the overall structure height would not be reduced, but that the roof pitch would come down 1'. Mol hearing that, he would agree with the change as it would bring the roof pitch down.

Vick noted the modification only makes this 4" higher and would not be opposed.

Board consensus was to accept the modification in the plan.

Meeting adjourned at 10:50 a.m.

Respectfully submitted,



Barry Rhineberger  
Planner

BR:tp

Cc: Board of Adjustment  
Applicants/Owners  
Twp. Clerks